THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 28400 of 2007

Date: 31.12.2007

Between:

Ambati Hanumantha Reddy

... Petitioner

AND

The District Collector,
Medak District at Sangareddy & others.

... Respondents

Counsel for the petitioner : Sri P. Nageswar Rao for
Sri B. Nagi Reddy

Counsel for the respondents: Assistant Government Pleader
for Land Acquisition

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 28400 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in proposing to acquire the patta land of the petitioner admeasuring Ac.3.12 guntas situated in Sy.No.132 of Chinthakunta Village, Andole Mandal, Medak District, without issuing any notice and without following the procedure contemplated under law, as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India.

In the affidavit filed in support of the writ petition the petitioner claimed that he is the owner and pattadar of agricultural land admeasuring Ac.3.12 guntas in Sy.No.132 of Chinthakunta Village, Andole Mandal, Medak District. The petitioner specifically averred that in order to construct weigh bridge, the respondents are seeking to utilize his land without acquiring the same and that on 22.11.2007 the officials of the respondents came to the land and started taking measurements.

Heard Sri Nageswar Rao representing Sri B. Nagi Reddy, learned counsel for the petitioner.

Learned counsel for the petitioner submitted that the respondents are obliged in law to initiate proceedings under the Land Acquisition Act, 1894 (for short, 'the Act') if they intend to acquire the land of the petitioner and that so far, without initiating any such proceedings, they are seeking to utilize the petitioner's land by dispossessing him.

If the petitioner's apprehension that his land is sought to be utilized for any public purpose without initiating the proceedings under the Act is correct, such an action cannot be countenanced in law.

The writ petition is therefore disposed of with the direction to the respondents not to interfere with the possession of the petitioner in respect of Ac.3.12 guntas of land in Sy.No.132 situated at Chinthakunta Village, Andole Mandal, Medak District either without his consent or without initiating appropriate proceedings under the provisions of the Act.

As a sequel to disposal of the writ petition, WPMP.No.37109 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V.NAGARJUNA REDDY, J

Date: 31.12.2007
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